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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,459	02/28/2002	Steven W. Trovinger	10015158	4978
7590	07/06/2004	EXAMINER		
TAWFIK, SAMEH			ART UNIT	
3721			PAPER NUMBER	

DATE MAILED: 07/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

CS

Office Action Summary	Application No.	Applicant(s)	
	10/084,459	TROVINGER, STEVEN W.	
	Examiner	Art Unit	
	Sameh H. Tawfik	3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 01 June 2004.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-14 is/are pending in the application.

4a) Of the above claim(s) 7-13 is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-6 and 14 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) <input type="checkbox"/> Other: _____ .

DETAILED ACTION

In view of applicant's arguments filed on 06/01/2004 and up further consideration the final rejection filed on paper # 10 is withdrawn and new final rejection applied as shown in this action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Kleinenhen (5,615,871).

Kleinenhen discloses a system for handling folded sheet material comprising a rotatable clamping device (Fig. 5; via pushers 26 on rotating conveyor 22) including a linearly displaceable clamping component (Figs. 4 and 5; via pusher 26 appear like linear and displaceable in respect to the collating station 40), and a collecting device shaped substantially as a saddle (Fig. 5; via 24 and conveyor 22), wherein the rotatable clamping device is configured to simultaneously press against opposing sides of the collecting device (Figs. 4 and 5; via pushers 26 pressing against opposing sides of collecting conveyor 22).

Regarding claim 2: wherein the rotatable clamping device includes a fixed clamping component (Figs. 4 and 5; via pushers 26 fixed in respect to the conveyor 22).

Regarding claim 3: wherein the rotatable clamping device is configured such that the displaceable clamping component (via one member of 26) and the fixed clamping component

(via the other member of 26) press against opposing sides of the collecting device (Figs. 4 and 5).

Regarding claim 4: wherein the rotatable clamping device rotates about a first axis (Fig. 5; via pushers 26 on the rotating conveyor 22) parallel to a supporting edge of the collecting device (Fig. 5; via a support edge is the article receiving locations 24).

Regarding claim 14: a saddle-shaped collecting device (Fig. 5; via portion 24); and a rotatable clamping device (via pushers 26) for delivering the folded sheet material (14) to the collecting device (via belt 22), the rotatable clamping device including a linearly displaceable clamping component (via 26 in respect to collating station 40) and a fixed clamping component (via 26 in respect to conveyor 22), wherein the displaceable (one member of 26) and fixed (the other member of 26) clamping components press different portions of the folded sheet material against opposing sides of the collecting device simultaneously (Figs. 4 and 5).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kleinhen (5,615,871).

Regarding claim 5: Kleinhen does not disclose that the displaceable clamping component is rotatable about a second axis parallel to the supporting edge. However, Kleinhen discloses that the clamping component (via pushers 26) are moveable (column 2, line 37).

Therefore, it would have been an obvious matter of design choice to have modified Kleinen's system for handling folded sheet material by having the displaceable clamping component (26) is rotatable about a second axis parallel to the supporting edge, in order to press against bigger portion of the web to make it holding tied to the supporting edge 24.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kleinen (5,615,871) in view of Ferag EP (399 317).

Kleinen does not disclose that the collecting device is pivotable to move a supporting edge of the collecting device relative to the rotatable clamping device. However, Ferag discloses a similar system for handling folded sheet material comprising the collecting device (Fig. 18-24; via 10) is pivotable to move a supporting edge (upper portion of 14) of the collecting device relative to the rotatable clamping device (Fig. 18 collecting device 14 rotatable relative to 84).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have substituted Kleinen's collecting device 22, by having Ferag's pivot collecting device 14, in order to simplify the step of releasing the stacked sheet out of the collecting station to stacking station.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameh H. Tawfik whose telephone number is (703) 308-2809. The examiner can normally be reached on Tuesday - Friday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on (703) 308-2187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ST.



Rinaldi I. Rada
Supervisory Patent Examiner
Group 3700